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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MICHAEL DICKENS,
15 Defendant.
16

CASE NO. 1:20-CR-00219-JLT-SKO

STIPULATION TO SET NEW TRIAL
DATE; FINDINGS AND ORDER

17 **STIPULATION**

18 The United States of America, by and through its counsel of record, and defendant, by and
19 through his counsel of record, hereby stipulate as follows:
20

21 1. By previous order, this matter was set for trial on June 11, 2024 at 8:30 a.m.
22 2. By this stipulation, the parties now move to vacate the trial set for June 11, 2024 and
23 instead set the matter for trial on **October 22, 2024, at 8:30 a.m.**, and to exclude time between the
24 date of this stipulation and October 22, 2024, under 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and
25 3161(h)(7)(B)(i) and (iv).

26 3. The parties agree and stipulate, and request that the Court find the following:

27 a. Defendant Dickens was previously represented by defense counsel who has since
28

1 withdrawn from the case and retired from the practice of law. Dickens' current defense counsel,
2 who filed an appearance in this case on or about June 27, 2023, has received discovery in the case
3 and continues to review that material. The defendant requests a trial date of October 22, 2024, to
4 allow adequate time for investigation and trial preparation, and for continuity of counsel considering
5 defense counsel's trial schedule. The government joins in the request for this trial date.

6 c. By previous Court order, time was excluded under the Speedy Trial Act, 18 U.S.C. §
7 3161, et seq., through and including June 11, 2024 for *inter alia* further investigation and
8 preparation. The parties further request that time be excluded under the Speedy Trial Act, 18 U.S.C.
9 § 3161, et seq., from the date of this stipulation through and including October 22, 2024, to allow the
10 defendant to continue to consult with counsel, to further review discovery, conduct further
11 investigation, and fully prepare for trial.
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13 d. Counsel for defendant believes that failure to grant the above-requested
14 continuance/time exclusion would deny him the reasonable time necessary for effective preparation,
15 taking into account the exercise of due diligence.
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17 e. The government does not object to, and agrees to, the continuance/time exclusion.

18 f. Based on the above-stated findings, the ends of justice served by continuing the case
19 as requested outweigh the interest of the public and the defendant in a trial within the original date
20 prescribed by the Speedy Trial Act.

21 g. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
22 seq., within which trial must commence, the time period of the date of this stipulation to October 22,
23 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and
24 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at defendant's
25 request on the basis of the Court's finding that the ends of justice served by taking such action
26 outweigh the best interest of the public and the defendant in a speedy trial.
27
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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

DATED: February 26, 2024

/s/Mark A. Broughton
MARK A. BROUGHTON
Counsel for Defendant
MICHAEL DICKENS

DATED: February 26, 2024

/s/ Arin C. Heinz
ARIN C. HEINZ
Assistant United States Attorney

O R D E R

IT IS SO FOUND. At the request of the parties, the June 11, 2024 trial is **CONTINUED** to October 22, 2024, at 8:30 a.m. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of the date of this stipulation to October 22, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: February 29, 2024

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE